

article

Kimi Matsumoto to: Ayn Schmit, Richard Mylott

01/10/2013 02:24 PM

From: Kimi Matsumoto/R8/USEPA/US

To:

1. HYDRAULIC FRACTURING: EPA delaying Pavillion case for 8 months

Mike Soraghan, E&E reporter

Published: Thursday, January 10, 2013

U.S. EPA is delaying its work on the Pavillion, Wyo., water pollution case by more than eight months, angering both sides in the bitter debate about whether drilling and hydraulic fracturing contaminated drinking water in the area.

Neither the people who say their water is contaminated nor the company involved, Encana Corp., wanted the delay. Representatives of both sides today criticized the decision.

"This is very disappointing," said Doug Hock, spokesman for Encana Oil & Gas (USA) Inc. "It's a disservice not only to Encana, but to the people of Pavillion and the state of Wyoming. There's no credible reason for any further delay on this issue."

Encana is the main driller in the Pavillion area, where EPA has been testing groundwater because of complaints from landowners about fouled water.

In a draft report released a year ago, the researchers said they had found fluid from hydraulic fracturing in groundwater but not in drinking water.

Encana, along with state officials, maintains that EPA contaminated the water itself when it drilled its two monitoring wells ([EnergyWire](#), Dec. 7, 2012).

EPA is to put a notice in the Federal Register tomorrow that it will extend the comment period, which was to expire next week, until Sept. 30, according to a federal [document](#) posted today. The agency released a statement but did not provide an explicit reason for the delay.

"This extension will allow the public additional opportunity to comment on EPA's draft report and the latest round of sampling conducted by EPA" and the U.S. Geological Survey, an agency spokesman said in a statement. "The agency will take into account new data, further stakeholder input, and public comment as it continues to review the status of the Pavillion investigation and considers options for moving forward."

The vague reasoning left room for people on both sides to speculate about what is happening behind the scenes.

Deb Thomas, an organizer who has worked with the Pavillion-area residents with water complaints, said she believes EPA headquarters officials in Washington are interfering with the diligent efforts of scientists at the agency's Denver-based Region 8 office.

"Region 8 has done such a good job on this," Thomas said. "It appears that upper levels of management are not giving residents of Pavillion the same consideration."

Industry officials say EPA is trying to figure out what to do with flawed findings.

"This delay shows that the EPA is running scared," said Simon Lomax, the Denver-based spokesman for the industry campaign Energy in Depth. "The agency knows its draft report is deeply flawed, but instead of doing the responsible thing and withdrawing it, EPA is dragging out the process."

Some pointed out that EPA Administrator Lisa Jackson plans to leave before the end of the month. An industry source speculated that the agency might not want a new administrator to have to deal with the Pavillion controversy "on day one."

The length of the delay is also unusual. Comment periods are usually extended by 30, 60 or 90 days.

EPA has already delayed the case once after a combined assault on the findings by industry and state officials.